

JOURNAL OF THE HOUSE.

Thursday, March 22, 2007.

Met according to adjournment, at two o'clock P.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, at the beginning of today's formal legislative session, we pause for a moment of personal thoughtful reflection and prayer. We believe that Your assistance enables us with confidence to remain faithful to our personal priorities, goals and principles and to cope successfully with our daily stress and the demands made upon us. Your gift of wisdom also helps us to focus our attention on the meaning, purpose and direction of our lives. Inspire us, as elected leaders, to motivate all people, especially our young people, to use their intellectual gifts and talents wisely in this education and information age.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement Concerning Representative Bosley of North Adams.

A statement of Mr. Rushing of Boston concerning Mr. Bosley of North Adams, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Bosley of North Adams, was not present in the House Chamber for today's sitting due to being in another part of the State House on official business. Had he been present for the taking of the yeas and nays on passing to be enacted the engrossed Bill providing for the immediate capital improvement needs of the Commonwealth (see House bill printed in House, No. 2915, amended), he would have voted in the affirmative. Any roll calls that he may have missed today was due entirely to the reason stated.

Statement
concerning
Representative
Bosley of
North Adams.

Statement Concerning Representative Kulik of Worthington.

A statement of Mr. Rushing of Boston concerning Mr. Kulik of Worthington, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kulik of Worthington, will not be present in the House Chamber for today's sitting because he is attending a meeting on the subject of health care being conducted by the National Conference of State Legislatures, outside of the Commonwealth. Any roll calls that he may miss today is due entirely to the reason stated.

Statement
concerning
Representative
Kulik of
Worthington.

Statement Concerning Representative Rogers of Norwood.

A statement of Mr. Rushing of Boston concerning Mr. Rogers of Norwood, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rogers of Norwood, was not present in the House Chamber for today's sitting due to a scheduled family matter. Had he been present for the taking of the yeas and nays on passing to be enacted the engrossed Bill providing for the immediate capital improvement needs of the Commonwealth (see House bill printed in House, No. 2915, amended), he would have voted in the affirmative. Any roll calls that he may have missed today was due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Rushing of Boston) congratulating Earl Frost on thirty-five years of distinguished service to the Southern Baptist Church;

Resolutions (filed by Messrs. Calter of Kingston and deMacedo of Plymouth) congratulating Jonathan M. Guidoboni on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Evangelidis of Holden) on the dedication of the Westminster Town Hall;

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Mathew Daniel Bailin on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Erik Bergstrom on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Thomas William McCauley on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Mr. Scibak of South Hadley) congratulating Joanne Devine on her retirement from the town of Hadley;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Evangelidis, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Communications.**Communications*

From the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety promotional lists which have been revoked as of March 1, 2007;

From the Massachusetts Bay Transportation Authority (under the provisions of subsection 11 of Section 151 of Chapter 157 of the Acts of 1999) relative to the efforts of said authority to maximize non-transportation revenue; and

Statement
concerning
Representative
Rogers of
Norwood.

Earl
Frost.

Jonathan M.
Guidoboni.

Westminster
Town Hall.

Mathew
Daniel
Bailin.

Erik
Bergstrom.

Thomas
William
McCauley.

Joanne
Devine.

Public safety
promotional
lists.

MBTA,
non-
transportation
revenue.

From the Plymouth County Registry of Deeds (under Section KKK of Chapter 29 of the General Laws) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight;

Severally placed on file.

Plymouth
County
Registry of
Deeds.

*Annual and Special Reports.**Annual reports*

Of the Division of Administrative Law Appeals (pursuant to Section 3 of Chapter 205 of the Acts of 2006) relative to appeals filed with said division in 2006;

Of the Executive Office of Health and Human Services (under the provisions of Section 304 of Chapter 149 of the Acts of 2004) relative to employers with fifty or more employees using public health assistance during the fiscal year 2006; and

Of the Workers' Compensation Advisory Council (under the provisions of Paragraph 2 of Section 17 of Chapter 23E of the General Laws) relative to the state of the workers' compensation system for fiscal year 2006;

Monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for January, 2007; and

Preliminary report of the Massachusetts Housing and Shelter Alliance (under the provisions of item 4406-3010 contained in section 2 of chapter 139 of the Acts of 2006) on Home and Healthy for Good, a statewide pilot first housing program;

Severally were placed on file.

Administrative
Law
Appeals.

Health and
Human
Services.

Workers
Compensation.

Unemployment
Insurance
Trust Fund.

Housing
and Shelter
Alliance.

Reports of Committees.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 312) of John H. Rogers for legislation to eliminate the requirement to provide notice to the Department of Mental Health of a license granted to a guardian to sell real estate,— and recommending that the same be referred to the committee on the Judiciary;

Of the petition (accompanied by bill, House, No. 223) of Kathi-Anne Reinstein and others for legislation to establish a fire equipment grant program,— and recommending that the same be referred to the committee on Public Safety and Homeland Security;

By Mr. Murphy of Lowell, for the committee on Higher Education, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1173) of Paula Besson for legislation to provide for an exemption from certain private business school regulations,— and recommending that the same be referred to the committee on Education;

Guardians,
real estate
sale.

Fire
equipment
grant
program.

Business
schools,
exemption.

Templeton,
state land.

Disabled
housing,
costs.

Reckless
endangerment.

Department of
Retardation,
name change.

Persons with
disabilities.

Retardation,
eliminate
word from
General Laws.

Methampheta-
mine.

Contracts.

Police
and fire,
age.

Port
Authority
Board.

Fitchburg
property tax,
study.

Drug
abuse.

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1083) of Stephen M. Brewer and Christine E. Canavan for legislation relative to certain land in Templeton under the control of the Department of Mental Retardation;

Of the petition (accompanied by resolve, Senate, No. 1084) of Scott P. Brown, Richard R. Tisei, Bruce E. Tarr, Michael R. Knapik and other members of the General Court for legislation to establish a commission to set guidelines for development costs for housing for disabled adults;

Of the petition (accompanied by bill, Senate, No. 1143) of Marian Walsh and Bruce E. Tarr for legislation relative to reckless endangerment;

Of the petition (accompanied by bill, House, No. 1876) of Michael A. Costello and others relative to changing the title of the Department of Retardation;

Of the petition (accompanied by bill, House, No. 1898) of Tom Sannicandro and others relative to establishing self determination for persons with disabilities; and

Of the petition (accompanied by bill, House, No. 1899) of Tom Sannicandro and others to eliminate the use of the word retardation from the general laws;

And recommending that the same severally be referred to the committee on Children, Families and Persons with Disabilities;

By Mr. Binienda of Worcester, for the committee on Revenue, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3054) of Harold P. Naughton, Jr., relative to the trafficking of methamphetamine; and

Of the petition (accompanied by bill, House, No. 3064) of Alice Hanlon Peisch relative to restricting the use of certain contracts;

And recommending that the same severally be referred to the committee on the Judiciary;

Of the petition (accompanied by bill, House, No. 2978) of Rachel Kaprielian and Steven A. Tolman relative to maximum age restrictions for appointment as a municipal police officer or firefighter,— and recommending that the same be referred to the committee on Public Service;

Of the joint petition (accompanied by bill, House, No. 2981) of Jay R. Kaufman and others relative to the Board of Directors of the Port Authority; and

Of the petition (accompanied by order, House, No. 3165) of Steven M. Walsh and Thomas M. McGee for legislation to prohibit the bidding on state funded construction projects by applicants with certain legal proceedings pending;

And recommending that the same severally be referred to the committee on State Administration and Regulatory Oversight; and

Of the petition (accompanied by bill, House, No. 2936) of Jeffery E. Coe for an investigation and study by a special commission (including members of the General Court) of the tax laws and the impairment of drivers due to prescription drug abuse; and

Of the petition (accompanied by bill, House, No. 2955) of Frank M. Hynes relative to the suspension of motor vehicle licenses;

And recommending that the same severally be referred to the committee on Transportation.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Recesses.

At five minutes after two o'clock P.M., on motion of Mr. Verga of Gloucester (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of three o'clock; and at twenty-one minutes after three o'clock the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Flynn of Bridgewater, until the hour of four o'clock P.M.; and at nineteen minutes after four o'clock the House was called to order with Mr. Petrolati in the Chair.

Emergency Measure.

The engrossed Bill providing for the immediate capital improvement needs of the Commonwealth (see House bill printed in House, No. 2915, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 148 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 30 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Establishing a sick leave bank for Janice Brown an employee of the Appellate Tax Board (House, No. 44); and

Establishing a sick leave bank for Antoinette Romes, an employee of the Department of Transitional Assistance (House, No. 3941, changed);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Driver's
licenses.

Recesses.

Capital
improvements.

Bill enacted
(state loan),
yea and nay
No. 30.

Third
reading
bills.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at nineteen minutes before five o'clock P.M., on motion of Mr. Golden of Lowell (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.